

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD	:	CIVIL NO: 1:CV-01-1005
Plaintiff	:	
	:	
v.	:	
	:	(Magistrate Judge Smyser)
DONALD ROMINE,	:	
Defendant	:	

ORDER

On November 4, 2003, pursuant to the jury's verdict on October 30, 2003, the Clerk of Court entered judgement in favor of the defendant.

The plaintiff filed a motion for judgment notwithstanding the verdict pursuant to Fed.R.Civ.P. 50(b), or, alternatively, for a new trial pursuant to Fed.R.Civ.P. 59(a). On November 12, 2003, the plaintiff filed a motion for leave to amend his motion for judgment notwithstanding the verdict or, alternatively, for a new trial. Recognizing that he may not be granted relief under Fed.R.Civ.P. 50(a) because he did not make a motion for judgment as a matter of law at trial, the plaintiff moves to strike any reference in his motion to

judgment notwithstanding the verdict. The plaintiff states that he is seeking only a new trial under Fed.R.Civ.P. 59(a).

On November 28, 2003, the plaintiff filed a brief in support of his motion for a new trial.

We will grant the plaintiff's motion to amend.

AND NOW, this 19th day of December, 2003, **IT IS HEREBY ORDERED** that the plaintiff's motion (doc. 93) to amend his motion for judgment notwithstanding the verdict pursuant to Fed.R.Civ.P. 50(b), or, alternatively, for a new trial pursuant to Fed.R.Civ.P. 59(a) is **GRANTED**. The references in the plaintiff's motion (doc. 94) to judgment notwithstanding the verdict are **STRICKEN** and the motion is deemed to be only a motion for a new trial pursuant to Fed.R.Civ.P. 59(a).

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: December 19, 2003.